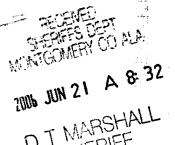
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SUMMONS

Case Number CV 2006-127

IN THE CIRCUIT COURT OF COFFEE COUNTY **ENTERPRISE DIVISION**

STINNETT vs. AUTO OWNERS INSURANCE CO., et al.

Serve on:

Server's Address

Drew Klasing

Plaintiff's Attorney:

J. E. SAWYER, JR.

Reg. Agent for Auto Owners Ins. Co.

203 South Edwards Street

5915 Carmichael Road

Enterprise, AL 36330

Montgomery, AL 36117-2518

To the above named respondent:

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights, you or your attorney are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the complaint to the Petitioner's attorney(s) shown above or attached:

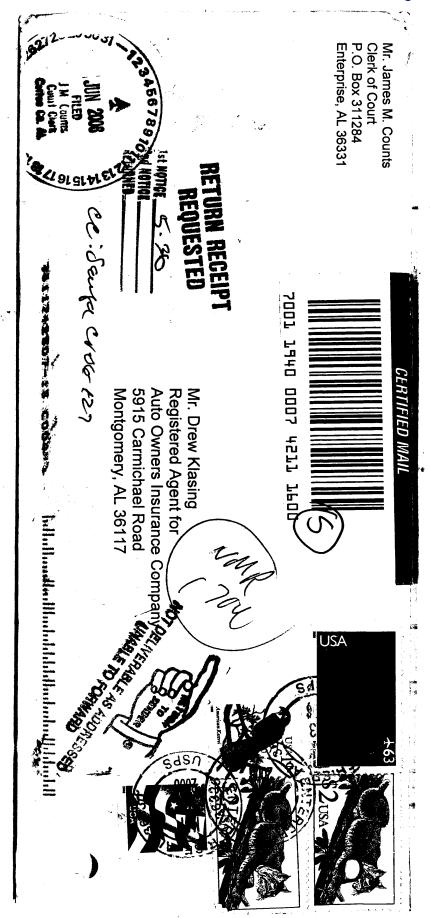
This answer must be mailed or delivered within 30 days after this summons and complaint were delivered to you or a judgment by default may be entered against you for the money or other things demanded in the complaint. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil (X)Procedure: You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon defendant.

| () | pursuant to the Alabama Rules of Civil Procedure. |
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| | Date 10 / 2010/2 Clark Register P.O. Box 311284 Enterprise, AL 36331 (334) 347-6447 Date 10 / 2010/2 By: 1819202122232 FILED J.M. Counts Control Clark Control Cl |
| Retur | on Service: Coult Clerk Contre Co. AL Contre |
| () | Certified mail return receipt in this office on (date)(Return receipt continued). |
| × | I certify that I personally delivered a copy of the summons and Complaint to Drew Clasky in monty oney county, Alabama, on (date) 6-26-06 |
| Date | Server's Signature |

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CHOUT COMMIT, COFFEE COUNTY, AL



Case Number CV 2006-127

IN THE CIRCUIT COURT OF COFFEE COUNTY ENTERPRISE DIVISION

STINNETT vs. AUTO OWNERS INSURANCE CO., et al.

Serve on:

Drew Klasing

Plaintiff's Attorney:

J. E. SAWYER, JR.

Reg. Agent for Auto Owners Ins. Co.

203 South Edwards Street

DIRCUSEOURT COFFEE COUNTY, AL

5915 Carmichael Road

Enterprise, AL 36330

Montgomery, AL 36117-2518

To the above named respondent:

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights, you or your attorney are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the complaint to the Petitioner's attorney(s) shown above or attached:

This answer must be mailed or delivered within 30 days after this summons and complaint were delivered to you or a judgment by default may be entered against you for the money or other things demanded in the complaint. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

| (X) | TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure. You are hereby commanded to serve this Summons and a copy of the Complaint in this action upon defendant. |
|--------------|--|
| () | Service by certified mail of this summons is initiated upon the written request of pursuant to the Alabama Rules of Civil Procedure. |
| | Date 6/20/06 Clerk/Register P.O. Box 311284 Enterprise, AL 36331 (334) 347-6447 |
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| IN THE | CIRCUIT | COURT OF | COFFEE | COUNTY | | | |
| Plaintiff STINNE | ETT GROUP, L.L.C | v. Defendant AU | TO OWNERS INS | URANCE CO., ET AL. | | | |
| NOTICE TODrew KI | asing, Reg. Agent for | Auto Owners Ins. Co., 5915 Carm | ichael Road, Mo | 19202122 Integrinery, AL 36117 | | | |
| TO PROTECT YOUR RIGHTS. ANSWER, EITHER ADMITTING | YOU OR YOUR ATT | UMMONS IS IMPORTANT AND FORNEY ARE REQUIRED TO FIL ALLEGATION IN THE COMPLAIN AND DELIVERED BY YOU OR Y J.E. SAWYER, JR. | LE THE ORIGINA NT WITH THE CL | AL OF YOUR WENTEN | | | |
| ADDRESS IS | 203 SOUTH EDV | VARDS STREET, ENTERPRISE, A | LABAMA 36330 | \$99ps 7\1 | | | |
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| Alabama on | | | | | | | |
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IN THE CIRCUIT COURT OF COFFEE COUNTY, ALABAMA ENTERPRISE DIVISION

STINNETT GROUP, LLC,

Plaintiff,

VS.

CASE NO: CV 2006- 127

AUTO OWNERS INSURANCE, and X, Y, and Z, either business entities or individuals whose names are otherwise unknown but will be substituted by amendment when ascertained, Defendants.



COMPLAINT FOR DECLARATORY JUDGMENT

This action is brought and the Court's jurisdiction is invoked pursuant to the provisions of the Code of Alabama, 1975, Section 6-6-220 et seq.

- 1. Plaintiff, STINNETT GROUP LLC is an Alabama limited liability company, whose principal office is 301 East Grubbs Street, Enterprise, Alabama 36330.
- 2. Defendant, AUTO OWNERS INSURANCE, is an insurance entity doing business in the State of Alabama.
- 3. Defendants X, Y, AND Z, are believed to be residents of State of Alabama and other states of the United States, whose names are otherwise unknown at the present but will be substituted by amendment when ascertained.
 - 4. There exists an actual controversy between Plaintiff and Defendants.
- 5. That Plaintiff brings this Bill for Declaratory Judgment against all of the Defendants stating that Plaintiff was denied coverage by Defendants. See "Exhibit A".
- 6. That Plaintiff brings this Bill for Declaratory Judgment against all of the Defendants stating that Defendants are responsible for providing a defense for Plaintiff in the event Plaintiff is sued.

 Defendants are responsible for providing Plaintiff said defense pursuant to Plaintiff's policy of insurance

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coverage issued by Defendants. More particularly, Defendants are responsible for providing a defense for Plaintiff in lawsuit against Plaintiff pending in the Circuit Court of Lee County, Alabama.

WHEREFORE, Plaintiff prays that the Court upon a final hearing will render a declaratory judgment adjudging the rights of the parties. Plaintiff further prays for such other and further relief as this Court may be just and proper, attorney's fees plus the costs of this action.

Dated this 2006.

By:

STINNETT GROUP, LLC.

MANAGING MEMBER: Dale Stinnett

J. E. Sawyer, Jr. Attorney for Plaintiff 203 S. Edwards Street Enterprise, Alabama 36330 (334) 347-6447

STATE OF ALABAMA

COUNTY OF COFFEE

Before me, the undersigned authority, a Notary Public in and for the State of Alabama at Large, personally appeared, Dale Stinnett, as Managing Member of Stinnett Group, L.L.C. who being by me first duly sworn, depose and say that he has read the allegations contained in the foregoing complaint and that same are true and correct to the best of his knowledge on this day of March, 2006.

DALE STINNETT, acting manager for:

STINNETT GROUP, LLC.

SWORN TO AND SUBSCRIBED BEFORE ME on this the day of MARCH 2006.

My Commission Expires:

AUTO-OWNERS INSURANCE COMPANY AUTO-OWNERS LIFE INSURANCE COMPANY HOME-OWNERS INSURANCE COMPANY OWNERS INSURANCE COMPANY PROPERTY-OWNERS INSURANCE COMPANY SOUTHERN-OWNERS INSURANCE COMPANY





P.O. Box 244017 (CLAIMS) Montgomery, Alabama 36124 PHONE (334) 279-0323 FAX (334) 271-0481

August 3, 2005

Mr. Dale Stinnett Stinnett Group, LLC 301 East Grubbs St. Enterprise, AL 36330

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE:

Claim Number:

37-3240-05

Insured:

Stinnett Group, LLC.

Claimant:

Huff & Associates

Lawsuit No:

CV-04-797 Circuit Court of Lee County, Alabama

Subject:

Request for Defense and Indemnity

Dear Mr. Stinnett:

Auto-Owners has received and reviewed the above referenced lawsuit filed against you in the Circuit Court of Lee County, Alabama. The purpose of this letter is to advise you that Auto-Owners must, respectfully, deny coverage for defense and indemnity for the following reasons:

This lawsuit alleges under both counts that Stinnett Group breached the contract by failing to complete the work in accordance with the schedule of work and unworkmanlike performance in connection with your work.

Your policy contains endorsement CG0001 (11-88) Commercial General Liability Coverage Form which contains the following:

SECTION I - COVERAGES

COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY

1. Insuring Agreement.

FT FEDIOSEATRUECOPY

~ Serving Our Policyholders and Agents for More Than 85 Years ~

- b. This insurance applies to "bodily injury" and "property damage" only if:
 - (1) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory;" and
 - (2) The "bodily injury" or "property damage" occurs during the policy period.

SECTION V - DEFINITIONS

- 3. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time.
- 12. "Property damage" means:
 - a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or
 - **b.** Loss of use of tangible property that is not physically injured. All such loss shall be deemed to occur at the time of the "occurrence" that caused it.
- 9. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.

COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY

- 1. Insuring Agreement.
- b. This insurance applies to:
 - (1) "Personal injury" caused by an offense arising out of your business, excluding advertising, publishing, broadcasting or telecasting done by or for you;
 - (2) "Advertising injury" caused by an offense committed in the course of advertising your goods, products or services;

but only if the offense was committed in the "coverage territory" during the policy period.

SECTION V - DEFINITIONS

1. "Advertising injury" means injury arising out of one or more of the following offenses:

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- a. Oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;
- b. Oral or written publication of material that violates a person's right of privacy;
- c. Misappropriation of advertising ideas or style of doing business; or
- d. Infringement of copyright, title or slogan.
- 10. "Personal injury" means injury, other than "bodily injury," arising out of one or more of the following offenses:
 - a. False arrest, detention or imprisonment;
 - b. Malicious prosecution;
 - c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies by or on behalf of its owner, landlord or lessor;
 - d. Oral or written publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services; or
 - e. Oral or written publication of material that violates a person's right of privacy.

As you can see from the above language in your policy there is no coverage as there is no claims in the complaint for Bodily Injury, Advertising Injury, Personal Injury or Property Damage as defined in the policy. The claims made against you do not constitute an occurrence as defined in the policy. Also, Breach of Contract is not an occurrence.

As to the claim for your failure to do the work in an workmanlike manor the following applies:

2. Exclusions.

This insurance does not apply to:

- j. "Property damage" to:
- (6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

SECSTEROLETIK

OHOU! COURT, OUSFLE COUNTY, AL

- k. "Property damage" to "your product" arising out of it or any part of it.
- 1. "Property damage" to "your work" arising out of it or any part of it and included in the "products-completed operations hazard."

SECTION V - DEFINITIONS

- 14. "Your product" means:
 - a. Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:
 - (1) You;
 - (2) Others trading under your name; or
 - (3) A person or organization whose business or assets you have acquired; and
 - **b.** Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.
 - "Your product" includes:
 - a. Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your product;" and
 - b. The providing of or failure to provide warnings or instructions.
 - "Your product" does not include vending machines or other property rented to or located for the use of others but not sold.

15. "Your work" means:

- a. Work or operations performed by you or on your behalf; and
- b. Materials, parts or equipment furnished in connection with such work or operations.
- "Your work" includes:
- **a.** Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work;" and
- **b.** The providing of or failure to provide warnings or instructions.

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Therefore, due to the foregoing reasons, there is no coverage for the claims made against Stinnett Group, LLC. and Auto-Owners has no duty to defend and/or indemnify its insured.

YOU SHOULD CONSULT WITH YOUR OWN PERSONAL ATTORNEY TO PROTECT YOUR INTEREST IN THIS MATTER

If you have or obtain any information which may be relevant or may change the facts or circumstances of the loss as stated above, please forward the information to my attention immediately. Any amended lawsuit should be made available to Auto-Owners for immediate review.

Please be advised that this letter does not waive any rights or defenses which Auto-Owners Insurance Company may have regarding this matter under any policy of insurance issued by Auto-Owners Insurance, whether or not such claims or defenses are set forth herein. Auto-Owners Insurance reserves the right to supplement this letter upon receipt of further information which may subsequently become available.

Thank you for your time and consideration in this matter. If you need any further assistance, please give me a call at 1-800-548-9881 ext. 204.

Sincerely,

Bill Reaves

Field Claim Representative

BR/bw

cc: Insured by regular mail

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| State of Alabama | | Case Number | | | | | |
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| Unified Judicial System | COVER | | | | | | |
| | CIRCUIT COURT | | B: | | | | |
| Form ARCiv-93 Rev.5/99 | (Not For Domestic | Relations Cases) | <u></u> | | | | |
| | GĘ. | NERALINEORMATION | | | | | |
| IN THE CIRCUIT COURT | OF | COFFEE COUNTY , A | ABAMA | | | | |
| | ETT GROUP, LLC | (Name of County) v. AUTO OWNERS INSURANCE, ET | AL. | | | | |
| | nment Cther | Defendant First Defendant ☐ Business ☐ Individual ☐ Other Defendant ☐ Other Defendant ☐ Individual ☐ Other Defendant ☐ Other ☐ OTHER CIVIL FILINGS (cont.d.) | | | | | |
| NATURE OF SUIT: Select | t primary cause of action, I | by checking box (check only one) the best character 2 syour action: | 283 | | | | |
| TORTS: PERSONAL INJURY WDEA - Wrongful De TONG - Negligence: TOMV - Negligence: TOWA - Wantonness TOPL - Product Liab TOMM - Malpractice- TOLM - Malpractice- TOLM - Malpractice- TOOM - Malpractice- TOOM - Malpractice- TOCM - Fraud/Bad F TOXX - Other: TORTS: PERSONAL INJURY TOPE - Personal Pr TORE - Real Prope OTHER CIVIL FILINGS ABAN - Abandoned ACCT - Account & MALPRAA - Administration | ath General Motor Vehicle sility/AEMLD Medical Legal Other Faith/Misrepresentation roperty rly | OTHER CIVIL FILINGS (cont'd) MSXX - Birth/Death Certificate Modification/Bond Forfeiture App Enforcement of Agency Subport 2/Petition to the File D CONT - Civil Rights COND - Condemnation/Eminent Domain Right-of-Way M. Counts CONT - Contract/Ejectment/Writ of Seizura Confee Co. TOCN - Conversion EQND - Equity Non-Damages Actions/Declarator Election Contest/Quiet Title/Sale For Division CVUD - Eviction Appeal/Unlawful Detainer FORJ - Foreign Judgment FORJ - Fruits of Crime Forfeiture MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition PFAB - Protection From Abuse FELA - Railroad/Seaman (FELA) RPRO - Real Property WTEG - Will/Trust/Estate/Guardianship/Conservatorship COMP - Workers' Compensation CVXX - Miscellaneous Circuit Civil Case | eal/ SSI - 12 | | | | |
| ORIGIN (check one): F | ☑ INITIAL FILING | A APPEAL FROM O OTHER: | | | | | |
| R | REMANDED | DISTRICT COURT T TRANSFERRED FROM OTHER CIRCUIT COURT | _ | | | | |
| HAS JURY TRIAL BEEN DEMANDED? YES NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure) | | | | | | | |
| RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED | | | | | | | |
| ATTORNEY CODE: S A W 0 0 4 Date Date Signature of Attorney/Party filing this form | | | | | | | |
| MEDIATION REQUEST | ED: YES NO | ONDECIDED | | | | | |

